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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,482	03/30/2000	Kenneth R James	ADAPP120	8403

7590 07/14/2004

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EXAMINER

RONES, CHARLES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 07/14/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,482

Applicant(s)

JAMES, KENNETH R

Examiner

Charles L. Rones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,9-11,14,16,17,19,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 2-5,8,12,13,15,18,20-23 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. DOV POPOVICI

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

In view of the Appeal Brief filed on April 30, 2004, PROSECUTION IS HEREBY REOPENED. A new office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-7, 9-11, 14, 16-17, 19, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Keele et al. U.S. Patent No. 5,438,674 ('Keele').

Keele discloses:

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As to claim 1,

examining a set of files selected to be recorded on the optical disc; See 18:45-67;

creating a record data structure for each file in the set of files to be recorded on the optical disc; See 18:45-67; 42:52-67;

generating a set of pointers to associate the record data structures with a writing order; See 43:15-53;

processing each of the record data structures one after another in the writing order to produce ordering data structures for each file in the set of files; See 43:15-53; and

processing the ordering data structures to write the set of files onto the optical disc in the writing order; See 43:10-67.

As to claim 6,

wherein the processing of the ordering data structures includes passing the ordering data structures to a CD recording engine, the CD recording engine writing the set of files onto the optical disc in the writing order; See 43:10-67.

As to claim 7,

receiving a request to write the set of files; See 43:10-67.

As to claim 9,

generating a set of pointers to associate record data structures with a writing order; See previous corresponding response above;

processing each of the record data structures one after another in the writing order to produce ordering data structures for each file in a set of files; See previous corresponding response above; and

processing the ordering data structures to write the set of files onto the optical disc in the writing order; See previous corresponding response above.

As to claim 10,

examining a set of files selected to be recorded on the optical disc; See previous corresponding response above.

As to claim 11,

creating a record data structure for each file in the set of files to be recorded on the optical disc; See previous corresponding response above.

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As to claim 14,

wherein each of the ordering data structures include pointers to a source file; See 42:52-67; 43:1-27; 46:40-45.

As to claim 16,

wherein the processing of the ordering data structures includes passing the ordering data structures to a CD recording engine, the CD recording engine writing the set of files onto the optical disc in the writing order; See previous corresponding response above.

As to claim 17,

receiving a request to write the set of files; See previous corresponding response above.

As to claim 19,

program instructions for examining a set of files selected to be recorded on the optical disc; See previous corresponding response above;

program instructions for creating a record data structure for each file in the set of files to be recorded on the optical disc; See previous corresponding response above;

program instructions for generating a set of pointers to associate record data structures with a writing order; See previous corresponding response above;

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program instructions for processing each of the record data structures one after another in the writing order to produce ordering data structures for each file in a set of files; See previous corresponding response above; and

program instructions for processing the ordering data structures to write the set of files onto the optical disc in the writing order; See previous corresponding response above.

As to claim 24,

wherein the processing of the ordering data structures includes program instructions for passing the ordering data structures to a CD recording engine, the CD recording engine writing the set of files onto the optical disc in the writing order; See previous corresponding response above.

As to claim 25,

receiving a request to write the set of files; See previous corresponding response above.

Allowable Subject Matter

Claims 2-5, 8, 12-13, 15, 18, 20-23 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

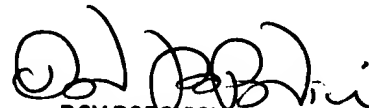
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles L. Rones
Primary Examiner
Art Unit 2175

July 8, 2004



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